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LAW OF THE SEA

Argentina, Australia, Austria, Brazil, Cameroon, Canada, China, Costa Rica, Egypt, Fiji, Finland, France, Germany, Indonesia, Ireland, Italy, Jamaica, Kenya, Lebanon, Malaysia, Marshall Islands, Mexico, Micronesia (Federated States of), Myanmar, New Zealand, Nigeria, Norway, Papua New Guinea, Portugal, Republic of Korea, Samoa, Senegal, Singapore, Sudan, Tunisia, Uganda, Ukraine and Uruguay: draft resolution

The General Assembly,

Emphasizing the universal character of the United Nations Convention on the Law of the Sea[1] and its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable use and development of the seas and oceans and their resources,

Considering that, in its resolution 2749 (XXV) of 17 December 1970, it proclaimed that the seabed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction ("the Area"), as well as the resources of the Area, are the common heritage of mankind, and considering also that the Convention, together with the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982[2] ("the Agreement"), provides the regime to be applied to the Area and its resources,

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[1] Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

[2] Resolution 48/263, annex.

Noting the entry into force of the Agreement on 28 July 1996,

Noting with satisfaction the increase in the number of States parties to the Convention,

Recalling its resolution 49/28 of 6 December 1994 on the law of the sea, adopted consequent to the entry into force of the Convention on 16 November 1994,

Aware of the importance of the effective implementation of the Convention and its uniform and consistent application, as well as of the growing need to promote and facilitate international cooperation on the law of the sea and ocean affairs at the global, regional and subregional levels,

Recognizing the impact on States of the entry into force of the Convention and the increasing need, particularly of developing States, for advice and assistance in its implementation in order to benefit thereunder,

Welcoming the establishment of the International Tribunal for the Law of the Sea ("the Tribunal"),[3] the Council of the International Seabed Authority, its Legal and Technical Commission and Finance Committee, and the election of their respective members as well as the election of the Secretary-General of the International Seabed Authority ("the Authority"),[4]

Noting the decisions taken by States parties to the Convention facilitating the organization of the Tribunal[5] and those by the Assembly[6] and the Council[7] of the Authority facilitating the organization of the Authority,

Noting also the decisions taken by States parties to the Convention to elect the members of the Commission on the Limits of the Continental Shelf in March 1997,[8]

Recalling article 287 of the Convention regarding the choice of means for the settlement of disputes concerning the interpretation or application of the Convention,

Recalling also that the Agreement provides that the institutions established by the Convention shall be cost-effective,[9] and recalling further

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[3] SPLOS/14, paras. 13-31.

[4] See ISBA/A/...

[5] SPLOS/14, paras. 32-36.

[6] ISBA/A/14.

[7] ISBA/C/10 and 11.

[8] SPLOS/14, para. 41.

[9] Resolution 48/263, annex: Annex to the Agreement, sect. 1, para. 2.

that the meeting of States parties to the Convention decided that this principle would apply to all aspects of the work of the Tribunal,[10]

Emphasizing the importance of making adequate provisions for the efficient functioning of the institutions established by the Convention,

Reiterating its appreciation to the Secretary-General for his efforts in support of the Convention and in the effective implementation of the Convention, including providing assistance in the establishment of the institutions created by the Convention,

Noting the responsibilities of the Secretary-General and competent international organizations under the Convention, in particular pursuant to its entry into force and as required by resolution 49/28,

Noting with appreciation the development, as part of the Organization's Home Page on the Internet, of the sites of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat (Gopher/World Wide Web), which provide users with convenient means for obtaining timely, well-organized and cross-referenced materials and information dealing with various aspects of the oceans, marine affairs and the law of the sea,

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole,

Conscious also of the strategic importance of the Convention as a framework for national, regional and global action in the marine sector, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,[11]

Noting the recommendation of the Commission on Sustainable Development,[12] endorsed by the Economic and Social Council,[13] concerning international cooperation and coordination in the implementation of chapter 17 of Agenda 21,

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[10] SPLOS/4, para. 25 (e).

[11] Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26/Rev.1 (Vol. I and Vol. I/Corr.1, Vol. II, Vol. III and Vol. III/Corr.1)) (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions Adopted by the Conference, resolution 1, annex II.

[12] See Official Records of the Economic and Social Council, 1996, Supplement No. 8 (E/1996/28), chap. I.A, para. 1.

[13] See Official Records of the General Assembly, Fifty-first Session, Supplement No. 3, chap. V.B.1, para. 119, resolution 1996/1.

Noting also the Washington Declaration and the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities,[14]

Conscious of the need to promote and facilitate international cooperation, especially at the subregional and regional levels, in order to ensure the orderly and sustainable development of the uses and resources of the seas and oceans,

Reaffirming the importance of the annual consideration and review by the General Assembly of the overall developments pertaining to the implementation of the Convention, as well as of other developments relating to the law of the sea and ocean affairs,

1. Calls upon all States that have not done so to become parties to the United Nations Convention on the Law of the Sea and to ratify, confirm formally or accede to the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 in order to achieve the goal of universal participation;

2. Calls upon States to harmonize their national legislation with the provisions of the Convention, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding are in conformity with the Convention;

3. Reaffirms the unified character of the Convention;

4. Recalls its decision to fund the budget for the administrative expenses of the International Seabed Authority initially from the regular budget of the United Nations, in accordance with the provisions of the Agreement;[15]

5. Approves the provision by the Secretary-General of such services as may be required for the two meetings of the Authority to be held in 1997, from 17 to 28 March and from 18 to 29 August;

6. Requests the Secretary-General to convene the meetings of States parties to the Convention from 10 to 14 March and from 19 to 23 May 1997;

7. Notes with appreciation the progress made in the establishment of the institutions created by the Convention, requests the Secretary-General to continue to provide assistance to those institutions, and invites the Secretary-General to take steps to conclude relationship agreements between the United Nations and the Authority, and between the United Nations and the Tribunal, to be applied provisionally pending the approval of the General Assembly, and as appropriate by the Assembly of the Authority or the States parties to the Convention;

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[14] A/51/116, annex I, appendix II, and annex II.

[15] See resolution 48/263, para. 8; and ibid., annex: Annex to the Agreement, sect. 1, para. 14.

8. Encourages States parties to the Convention to consider making a written declaration choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention;

9. Expresses its appreciation to the Secretary-General for the annual comprehensive report on the law of the sea[16] and the activities of the Division for Ocean Affairs and the Law of the Sea, in accordance with the provisions of the Convention and the mandate set forth in resolution 49/28;

10. Reaffirms the importance of ensuring the uniform and consistent application of the Convention and a coordinated approach to its overall implementation, and of strengthening technical cooperation and financial assistance for this purpose, stresses once again the continuing importance of the Secretary-General's efforts to these ends, and reiterates its invitation to the competent international organizations and other international bodies to support these objectives;

11. Requests the Secretary-General to ensure that the institutional capacity of the Organization adequately responds to the needs of States, the newly established institutions and other competent international organizations by providing advice and assistance, taking into account the special needs of developing countries;

12. Invites Member States and others in a position to do so to contribute to the further development of the fellowship programme on the law of the sea and training and educational activities on the law of the sea and ocean affairs established by the General Assembly in its resolution 35/116 of 10 December 1980, as well as advisory services and assistance in support of effective implementation of the Convention;

13. Requests the Secretary-General to continue his efforts to further strengthen the existing system for the collection, compilation and dissemination of information on the law of the sea and related matters and to further develop, in cooperation with relevant international organizations, a centralized system for providing coordinated information and advice;

14. Reaffirms its decision to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea;

15. Reiterates its request to the Secretary-General to prepare a comprehensive report on the impact of the entry into force of the Convention on related existing and proposed instruments and programmes throughout the United Nations system, for submission to the Assembly at its fifty-second session, and calls upon competent international organizations and other international bodies to cooperate in the preparation of the report;

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[16] A/51/645.

16. Requests the Secretary-General to report to the Assembly at its fifty-second session on the implementation of the present resolution, including other developments and issues relating to ocean affairs and the law of the sea, in connection with his annual comprehensive report on oceans and the law of the sea;

17. Decides to include in the provisional agenda of its fifty-second session an item entitled 'Oceans and the law of the sea'.